

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DAVITA M. KEY,

Plaintiff,

v.

HYUNDAI MOTOR  
MANUFACTURING, ALABAMA,  
LLC; HYUNDAI ENG AMERICA,  
INC.; and DYNAMIC SECURITY,  
INC.

Defendants.

Case No. 2:19-CV-767-ECM

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**PLAINTIFF'S WITNESS LIST**

**Exhibit E – Deposition of Ray Cureton**

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Case	Key, Davita
Issue Code	Depo Designations

CURETON, RAY 8/30/22 VOL 1		
1	008:21 - 008:23	008:21 RAY CURETON, 22 being first duly sworn, was examined 23 and testified as follows:
2	009:18 - 009:21	009:18 Q. Mr. Cureton, could you please state 19 and spell your name for the record? 20 A. Yes, my name is Ray H. Cureton, last 21 name C-u-r-e-t-o-n.
3	014:19 - 015:15	014:19 Q. Okay. All right. Let's talk about 20 your employment with Dynamic Security since 21 that's why we're here today. When did you start 22 with Dynamic Security? 23 A. I think it was August 1st of 2016, I 015:01 think. 02 Q. Okay. And what was your position? 03 A. I was a manager down in Montgomery. 04 I want to say operations manager at first. I 05 started out as the operations manager. 06 Q. Okay. And you say at first. 07 A. Uh-huh (positive response). 08 Q. Did that change? 09 A. It did. I was promoted part way 10 through, and I don't know the dates about when 11 that happened, but -- and I was made the -- I'm 12 trying to think, remember what it was called. It 13 was district manager. I think that was right. 14 Q. Okay. I'm going to give you some 15 documents to look at through this. They've been
4	015:18 - 015:19	015:18 This one is Plaintiff's Exhibit 60. 19 A. Okay.
5	016:09 - 016:23	016:09 Q. Okay. This is from your personnel 10 file as represented by Dynamic Security to us, 11 and it shows your start date is 8/1/16, so that's 12 in line with what we've talked about. 13 A. Yeah. 14 Q. And your job title is operations 15 manager. I want to point your attention down to

		<p>16 the box around Justification for Position. In</p> <p>17 the parentheses there, it says, Operations</p> <p>18 Manager is required for Hyundai contract. Do you</p> <p>19 see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you know what that means,</p> <p>22 the operations manager required for Hyundai</p> <p>23 contract?</p>
6	017:07 - 017:12	<p>017:07 A. Would you repeat the question,</p> <p>08 please?</p> <p>09 Q. Yes, sir. The line that I pointed</p> <p>10 you to there, that operations manager is required</p> <p>11 for Hyundai contract, do you know what that's in</p> <p>12 reference to?</p>
7	017:16 - 017:18	<p>017:16 A. As far as I understand, that part of</p> <p>17 my responsibility would be supervising the major</p> <p>18 contract at the time, which was at Hyundai.</p>
8	020:22 - 021:19	<p>020:22 Q. Okay. What were your job duties at</p> <p>23 Dynamic Security?</p> <p>021:01 A. Well, as an operations manager, I was</p> <p>02 responsible for ensuring the manning and</p> <p>03 operations of several sites that -- at the time</p> <p>04 that Dynamic was responsible for, providing</p> <p>05 security and making sure the leadership was in</p> <p>06 place, making sure that individuals are showing</p> <p>07 up for work, making sure that resources were</p> <p>08 properly used. And hiring was also a part of my</p> <p>09 responsibilities, hiring new officers, at least</p> <p>10 overseeing that.</p> <p>11 And then also disciplinary actions</p> <p>12 came through my desk for review, and sometimes I</p> <p>13 initiated them depending on the situation. So</p> <p>14 just normal operations type duties.</p> <p>15 Q. Okay. When did your employment end?</p> <p>16 A. I want to say September 2017.</p> <p>17 Q. And what were the terms of the end of</p> <p>18 your employment? Why did you stop working for</p> <p>19 Dynamic Security?</p>
9	021:22 - 022:19	<p>021:22 A. I was let go.</p> <p>23 Q. Okay. Who terminated you?</p> <p>022:01 A. That's really a good question. I was</p> <p>02 -- the district manager of the Birmingham office</p>

		<p>03 came down to Montgomery and asked me to remove my</p> <p>04 things from the site and that I was being let go.</p> <p>05 <b>Q. And what was the district manager's</b></p> <p>06 <b>name?</b></p> <p>07 A. I can tell you. Hang on a minute.</p> <p>08 Marshay Webb.</p> <p>09 <b>Q. Did Marshay Webb tell you why you</b></p> <p>10 <b>were being let go?</b></p> <p>11 A. He did not.</p> <p>12 <b>Q. Did you have any idea that it was</b></p> <p>13 <b>coming?</b></p> <p>14 A. I did not.</p> <p>15 <b>Q. Had you ever been disciplined for</b></p> <p>16 <b>anything?</b></p> <p>17 A. I had not.</p> <p>18 <b>Q. Do you have any idea what -- in your</b></p> <p>19 <b>mind, what would you think it would be?</b></p>
10	022:23 - 024:03	<p>022:23 A. I really don't know. Honestly, the</p> <p>023:01 week before they let me go, I had been assured by</p> <p>02 -- and I do not know his name, because he hadn't</p> <p>03 been there very long -- my original boss's</p> <p>04 replacement that everything was fine and that I</p> <p>05 would -- if he lost his job, I would be fine and</p> <p>06 wouldn't lose mine, and then I lost it.</p> <p>07 So I don't know what their thinking</p> <p>08 was. I never heard from anybody in any kind of</p> <p>09 authority under -- you know, above me about that,</p> <p>10 either before or after, and that is the gospel</p> <p>11 truth.</p> <p>12 <b>Q. Okay. So the person who assured you,</b></p> <p>13 <b>that was your old boss's replacement?</b></p> <p>14 A. Uh-huh (positive response), yeah, I</p> <p>15 think so. It's -- yes, that's who it was, yeah.</p> <p>16 <b>Q. Do you remember his name?</b></p> <p>17 A. I do not. I really do not.</p> <p>18 <b>Q. What was your old boss's name?</b></p> <p>19 A. Mike Keller.</p> <p>20 <b>Q. And do you remember when Mike Keller</b></p> <p>21 <b>left?</b></p> <p>22 A. It was right around the time of this</p> <p>23 incident, because I think he left a month before</p> <p>024:01 I did. So I think he probably left in August and</p>

		<p>02 -- or maybe the end of July. It was right around</p> <p>03 the time all this was taking place.</p>
11	025:18 - 025:19	<p>025:18 Q. (BY MS. PALMER:) I'm going to show</p> <p>19 you Plaintiff's Exhibit 27.</p>
12	025:22 - 026:09	<p>025:22 Q. (BY MS. PALMER:) And this is a</p> <p>23 Dynamic Security officer's handbook. Have you</p> <p>026:01 seen this document before?</p> <p>02 A. I have.</p> <p>03 Q. Okay. Is this handbook something</p> <p>04 that all new employees are given when they're</p> <p>05 hired?</p> <p>06 A. They are.</p> <p>07 Q. Were you also given a copy of this</p> <p>08 handbook?</p> <p>09 A. I was.</p>
13	030:02 - 030:09	<p>030:02 Q. Do you recall seeing Exhibit 20</p> <p>03 before?</p> <p>04 A. I have seen this. I've seen these</p> <p>05 requirements before for sure.</p> <p>06 Q. Okay. And this sets out the duties</p> <p>07 and responsibilities for employees in the</p> <p>08 mailroom. Does that include the hours that they</p> <p>09 would work?</p>
14	030:11 - 031:04	<p>030:11 A. Well, that can vary considerably</p> <p>12 depending on manning, and the hours would vary.</p> <p>13 I mean, they're set out when they're going to</p> <p>14 have people there, but that could -- we might</p> <p>15 have five people that had to work this position</p> <p>16 in different times because of, you know, what</p> <p>17 manning and all that kind of thing and who's</p> <p>18 qualified and so -- and they change from time to</p> <p>19 time.</p> <p>20 I mean, I can promise you, I just was</p> <p>21 working with the current -- when I worked for</p> <p>22 Dothan Security, we had this same account. So it</p> <p>23 hasn't changed. They're -- I'm not making any</p> <p>031:01 sense. I'm rambling. Yeah, they have basic</p> <p>02 hours they're supposed to work. Okay.</p> <p>03 Q. And who set the hours that they would</p> <p>04 work in the mailroom?</p>
15	031:07 - 031:14	<p>031:07 A. HMMA does, yeah.</p>

		<p>08 Q. The pay on this document is listed at</p> <p>09 thirteen dollars an hour. Is that something that</p> <p>10 Dynamic Security came up with or is that set by</p> <p>11 some other entity?</p> <p>12 A. It is negotiated with -- between the</p> <p>13 two companies, between HMMA and the security</p> <p>14 company.</p>
16	034:03 - 034:21	<p>034:03 Q. And if you will flip for me to</p> <p>04 Dynamic-Key 26.</p> <p>05 A. Okay.</p> <p>06 Q. And I'm looking at the part where it</p> <p>07 says Harassment in the Workplace Policy. The</p> <p>08 last paragraph of that page, Any employee who</p> <p>09 believes that he/she has been subjected to</p> <p>10 harassment is required to report the activity to</p> <p>11 his/her supervisor immediately. Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. As your role as operations manager,</p> <p>14 would you take in complaints of harassment?</p> <p>15 A. Yes. They would be forwarded to me</p> <p>16 eventually. They usually would start at the site</p> <p>17 supervisor, which would be Gloria Robinson in</p> <p>18 this place, in this particular case.</p> <p>19 If there was a complaint against --</p> <p>20 directly against her, I would be the next person</p> <p>21 in the chain that they would talk to.</p>
17	036:14 - 038:05	<p>036:14 Q. And then back to the handbook, the</p> <p>15 next sentence down says, Any supervisor to whom a</p> <p>16 report of alleged harassment is made should</p> <p>17 immediately notify their manager and conduct a</p> <p>18 full and detailed investigation.</p> <p>19 So when you received complaints, did</p> <p>20 you immediately notify the manager?</p> <p>21 A. Yes, of course.</p> <p>22 Q. Who was your manager?</p> <p>23 A. Mike Keller was my manager, but also</p> <p>037:01 we would notify HR directly. And I don't</p> <p>02 remember her name, but we did bring HR on right</p> <p>03 away.</p> <p>04 And also, the folks knew they could</p> <p>05 contact HR directly themselves if they weren't</p> <p>06 satisfied with our response.</p>

		<p>07 Q. So did you notify Mike Keller and HR</p> <p>08 or just HR?</p> <p>09 A. Both.</p> <p>10 Q. Both? What type of detailed</p> <p>11 investigation would you conduct?</p> <p>12 A. Well, I would talk to the supervisor,</p> <p>13 which would have been Gloria Robinson in this</p> <p>14 case, and gotten her -- information from her on</p> <p>15 the complaint.</p> <p>16 I would have taken any statements of</p> <p>17 any kind of witnesses that would have been</p> <p>18 involved. I would have talked with Ms. Key about</p> <p>19 what her perception was on all of this, what was</p> <p>20 going on, what her complaint was.</p> <p>21 I would have forwarded all of that to</p> <p>22 HR, because they're ultimately going to take</p> <p>23 point on these kinds of things when it gets to</p> <p>038:01 the place where I'm having to make an</p> <p>02 investigation.</p> <p>03 So I just try to get the facts as</p> <p>04 quickly as I can and get them into the hands of</p> <p>05 people that can follow up with it.</p>
18	045:18 - 045:19	<p>045:18 Q. Do you remember what the attire was</p> <p>19 for the mailroom at HMMA's property?</p>
19	046:18 - 047:06	<p>046:18 Q. What is the uniform that Dynamic</p> <p>19 provided?</p> <p>20 A. It would have been a knit shirt,</p> <p>21 pullover, with the person's name embroidered on</p> <p>22 the shirt, and then the pants would have been</p> <p>23 black pants, and I don't know what color. I want</p> <p>047:01 to say it was blue, but I could be wrong about</p> <p>02 that, the -- just, you know, a knit pullover</p> <p>03 shirt, and a hat, and that was --</p> <p>04 Q. Do you recall whether the pullover</p> <p>05 shirt had anything identifying Dynamic Security</p> <p>06 or Hyundai?</p>
20	047:08 - 047:16	<p>047:08 A. It would have -- it would have</p> <p>09 identified Dynamic Security on the sleeve.</p> <p>10 Q. On the sleeve, like a patch or</p> <p>11 something?</p> <p>12 A. Yes, a patch with Dynamic Security,</p> <p>13 and then I know the individual's -- but, again,</p>

		<p>14 I'm just trying to recall, but -- and the</p> <p>15 embroidering of their name on the -- above the</p> <p>16 pocket.</p>
21	051:20 - 053:03	<p>051:20 Q. Would a new hire come to Dynamic</p> <p>21 Security first for interviews or would they go</p> <p>22 direct to Ms. Robinson?</p> <p>23 A. A little bit of both actually. We</p> <p>052:01 would interview people that -- and if we thought</p> <p>02 they could work out to go to Hyundai, we would</p> <p>03 send them to Ms. Robinson for a second interview,</p> <p>04 and she would interview them. And often she</p> <p>05 would bring Ms. Williams in to assist with those,</p> <p>06 depending on the position that they were</p> <p>07 interviewing for.</p> <p>08 If they were coming in as a</p> <p>09 lieutenant or a sergeant or mailroom, for</p> <p>10 instance, then Ms. Williams would be the one that</p> <p>11 ultimately would decide who was going to be</p> <p>12 acceptable to be hired. So Ms. Williams made</p> <p>13 that decision.</p> <p>14 Q. Okay.</p> <p>15 A. Just to further that a little bit,</p> <p>16 when we started with somebody, we would explain</p> <p>17 the basics about what this policy, the appearance</p> <p>18 standard was, then we would send them over to</p> <p>19 Hyundai, and Ms. Robinson and Ms. Williams would</p> <p>20 further explain what that policy actually looked</p> <p>21 like.</p> <p>22 And Ms. Williams made -- I can tell</p> <p>23 you this for a fact. Ms. Williams made the final</p> <p>053:01 decision about who was accepted -- which</p> <p>02 hairstyle was acceptable, for instance, or which</p> <p>03 wasn't.</p>
22	054:02 - 054:03	<p>054:02 Q. But can you tell me what you recall</p> <p>03 about Ms. Key's hiring?</p>
23	054:05 - 055:13	<p>054:05 A. Well, there was a problem, as far as</p> <p>06 I understand it, going back and looking at some</p> <p>07 of the documents and remembering what was going</p> <p>08 on then, there was a problem with her hair. Ms.</p> <p>09 Williams asked us to remove her from the site</p> <p>10 because her hair did not meet the Hyundai</p> <p>11 standards.</p>



		<p>12 So we did bring her in, and I know</p> <p>13 Gloria Robinson tried to work with her to try to</p> <p>14 get the hairstyle the way it was supposed to be</p> <p>15 and that they had had conversations about this,</p> <p>16 even with Ms. Williams, to see what was -- what</p> <p>17 would be acceptable and what wouldn't.</p> <p>18 And then there were -- I mean,</p> <p>19 there's a statement from Gloria that kind of goes</p> <p>20 through all of that, explains in writing how that</p> <p>21 worked where Ms. Key was trying to get her hair</p> <p>22 in the proper respect for Hyundai, and then</p> <p>23 ultimately didn't.</p> <p>055:01 And the dispute got to the place</p> <p>02 where HMMA did not want her on the site. And,</p> <p>03 ultimately, in the security business, and this is</p> <p>04 across the board in any security company I've</p> <p>05 ever worked with, when the client says, Remove</p> <p>06 somebody from the site, that's what security</p> <p>07 companies do, period.</p> <p>08 And now, we can go back for our</p> <p>09 person to try to get them rehired, try to get --</p> <p>10 depending on what's going on, and in this</p> <p>11 situation, there was enough there. We did not</p> <p>12 fire her or remove her from Dynamic Security. We</p> <p>13 simply removed her from the Hyundai site.</p>
24	055:19 - 058:19	<p>055:19 Q. I am going to show you Plaintiff's</p> <p>20 Exhibit 29. All right. Mr. Cureton, do you</p> <p>21 recognize Plaintiff's Exhibit 29?</p> <p>22 A. I do.</p> <p>23 Q. And what do you recognize that to be?</p> <p>056:01 A. That is a statement from Ms. Key</p> <p>02 alleging discrimination by Hyundai, specifically</p> <p>03 Ms. Williams and Ms. Cory Robinson, who was our</p> <p>04 employee.</p> <p>05 Q. And did you receive a copy of this?</p> <p>06 A. I did.</p> <p>07 Q. Okay. Can you tell me the</p> <p>08 circumstances under which you received this</p> <p>09 complaint?</p> <p>10 A. I don't know what you're asking me.</p> <p>11 I mean, it came -- I'm sure it was given to me</p> <p>12 in -- from Ms. Robinson most likely. I don't</p>

13 know that for sure, but it would have come from  
14 them to me as a complaint for me to handle.

15 **Q. Do you have any recollection of**  
16 **sitting down with Ms. Key --**

17 A. I do not.

18 **Q. -- to receive this?**

19 A. I'm sorry. I do not have that  
20 recollection of that.

21 **Q. When you received this complaint that**  
22 **is Plaintiff's Exhibit 29, did you begin an**  
23 **investigation?**

057:01 A. There's a date on here. I think this  
02 investigation was begun before this date.

03 **Q. Okay.**

04 A. I think this incident happened in the  
05 end of July, and this is dated August 1st.

06 **Q. Okay.**

07 A. So we would have -- we've already had  
08 information by that time that there was a  
09 complaint from her about -- from Ms. Williams  
10 about the hair, and so we would have started  
11 looking into that immediately once that -- I  
12 mean, you know, it's five years ago. I mean, I  
13 don't know for sure.

14 **Q. So if you're looking into Ms.**  
15 **Williams having an issue with Ms. Key's hair, are**  
16 **you investigating Ms. Key's complaint or are you**  
17 **investigating whether Ms. Key is in compliance**  
18 **with work standards?**

19 A. I am investigating whether Ms. Key is  
20 in compliance with work standards. And you know  
21 what? Thinking about this, I'm not -- I knew  
22 about this complaint, but I'm going to say I  
23 don't recall that particular document, because I  
058:01 don't remember Bates on top, the Bates that's on  
02 the top.

03 I knew about this, but I don't -- I'm  
04 going to change my testimony and have to say I  
05 don't recall that specific document.

06 **Q. Okay.**

07 A. But I knew about this. And the  
08 reason I'm saying that is because of that date.  
09 I would have -- this date is after we had started

		<p>10 looking into this whole situation.</p> <p>11 And we knew at that point that she</p> <p>12 was -- Ms. Key was not happy with Hyundai because</p> <p>13 of what they were asking her to do. We also knew</p> <p>14 that Hyundai was not happy with Ms. Key because</p> <p>15 she wasn't complying with their standards. So we</p> <p>16 were looking at both sides at that point.</p> <p>17 Q. What do you recall about Ms. Key's</p> <p>18 pregnancy? We've talked a little bit about hair,</p> <p>19 but her pregnancy, what do you recall about that?</p>
25	058:21 - 058:21	058:21 A. The only thing I can think of --
26	059:01 - 059:22	<p>059:01 A. -- is that it came out during the</p> <p>02 time we were doing this investigation that she</p> <p>03 was pregnant, which has nothing to do with</p> <p>04 anything other than whether she would meet the</p> <p>05 physical requirements to be able to lift the</p> <p>06 fifty pounds that's required at the mailroom,</p> <p>07 which I don't think we ever got that far in</p> <p>08 the -- you know, where we got a doctor's notice</p> <p>09 that she would be eligible.</p> <p>10 So it had absolutely nothing to do</p> <p>11 with the pregnancy itself. It had to do with the</p> <p>12 ability to handle the work itself.</p> <p>13 Q. Do you recall Ms. Robinson having</p> <p>14 brought up Ms. Key's pregnancy in e-mails?</p> <p>15 A. She may well have brought it up,</p> <p>16 yeah, I would think so, just as a statement, not</p> <p>17 as a -- that has nothing to do with hiring or any</p> <p>18 of that kind of stuff, but it -- I don't know.</p> <p>19 It became common knowledge. Everybody knew about</p> <p>20 it at some point.</p> <p>21 Q. I'm going to show you Plaintiff's</p> <p>22 Exhibit 36. Okay.</p>
27	060:15 - 061:08	<p>060:15 Q. Did you complete this form?</p> <p>16 A. I did.</p> <p>17 Q. Is that your signature on the bottom?</p> <p>18 A. It is.</p> <p>19 Q. When did you complete it?</p> <p>20 A. In August 2017.</p> <p>21 Q. Do you know what time you did this?</p> <p>22 A. No.</p> <p>23 Q. And what did you mark as the reason</p>

		<p>061:01 for Ms. Key's discipline?</p> <p>02 A. It simply says here, Other conduct</p> <p>03 warranting disciplinary action.</p> <p>04 Q. And then I see there at the bottom it</p> <p>05 says, Forwarded to HR for resolution?</p> <p>06 A. Correct.</p> <p>07 Q. What was the resolution that was</p> <p>08 reached?</p>
28	061:10 - 062:09	<p>061:10 A. I can't speak for HR. I don't know</p> <p>11 what resolution you're looking for. If you're</p> <p>12 asking what happened to Ms. Key, that's a</p> <p>13 different question than what the resolution was</p> <p>14 in this disciplinary form.</p> <p>15 I mean, we offered her two other</p> <p>16 positions, at least, and I think -- I would say</p> <p>17 after that that we couldn't accommodate what she</p> <p>18 wanted, and -- because we didn't have a position</p> <p>19 open that was at the time that she could work,</p> <p>20 and so she left.</p> <p>21 Q. Okay. So you're not aware of what</p> <p>22 the ultimate resolution was with regard to Ms.</p> <p>23 Key's --</p> <p>062:01 A. Harassment complaint?</p> <p>02 Q. Correct.</p> <p>03 A. Well, that's why we're here, I think.</p> <p>04 That must be why we're here still. It hasn't</p> <p>05 been resolved yet.</p> <p>06 Q. Are you aware of what the ultimate</p> <p>07 resolution was with regard to her removal from</p> <p>08 Hyundai?</p> <p>09 A. She was removed --</p>
29	062:12 - 062:16	<p>062:12 A. She was removed from Hyundai at the</p> <p>13 client's request.</p> <p>14 Q. Are you aware of whether there were</p> <p>15 any discussions between Dynamic and the client</p> <p>16 related to whether her removal was appropriate?</p>
30	062:21 - 063:22	<p>062:21 A. I'm going to answer it this way: The</p> <p>22 hair standards were -- everyone was very familiar</p> <p>23 with those hair standards and knew what the</p> <p>063:01 requirements were. Ms. Williams ultimately was</p> <p>02 the one that decided whether or not the hair was</p> <p>03 acceptable. Once it was not and she asked us to</p>

		<p>04 remove someone from the site, we did that.</p> <p>05 We did not remove Ms. Key as a</p> <p>06 Dynamic employee. We offered her other</p> <p>07 positions. At the time we had no full-time</p> <p>08 positions on the shift that she wanted to work,</p> <p>09 and so we offered her two other positions at, I</p> <p>10 think, Mobis and Koch Foods.</p> <p>11 I don't know specifically what times</p> <p>12 they were, but they were part-time positions, and</p> <p>13 she was not able to work those times, and left,</p> <p>14 quit on her own as far as I know.</p> <p>15 <b>Q. Why do you believe she quit?</b></p> <p>16 A. Because we couldn't provide for her</p> <p>17 the schedule that she wanted and because -- well,</p> <p>18 because there was no position for her to work</p> <p>19 that she could agree to, that she would agree to.</p> <p>20 <b>Q. Let me ask it this way: What</b></p> <p>21 <b>evidence do you have to support your position</b></p> <p>22 <b>that Ms. Key quit?</b></p>
31	064:02 - 064:09	<p>064:02 A. The statements that I made in writing</p> <p>03 around that time that explained that she was</p> <p>04 offered those positions and refused them. When</p> <p>05 you refuse a position, that's quitting.</p> <p>06 <b>Q. Have employees at Dynamic when you</b></p> <p>07 <b>were employed there, did you ever have anyone</b></p> <p>08 <b>turn down a position but accept a later position?</b></p> <p>09 A. Sure.</p>
32	064:11 - 065:09	<p>064:11 A. And this is standard practice. If</p> <p>12 this -- when this happens, we told employees that</p> <p>13 if something comes open, you know, to come back</p> <p>14 and check with us in a couple of weeks, check</p> <p>15 with us in a month or two, because, as you know,</p> <p>16 security positions rotate considerably. People</p> <p>17 come in and out.</p> <p>18 And so we would encourage a person to</p> <p>19 check back in with us to make sure, maybe we</p> <p>20 might have something that she could work.</p> <p>21 <b>Q. And if Ms. Key says that she did</b></p> <p>22 <b>reach out to Dynamic and did not receive return</b></p> <p>23 <b>calls, would you dispute that?</b></p> <p>065:01 A. I would dispute that only as far as</p> <p>02 my situation is concerned. If she had reached</p>

		<p>03 out to me, I would definitely have spoken with</p> <p>04 her.</p> <p>05 Now, again, I was only there for less</p> <p>06 than a month, I guess, or about a month after all</p> <p>07 this went down, and then I was let go. So I</p> <p>08 can't say what happened after around the first</p> <p>09 week in September when I was let go.</p>
33	065:14 - 068:02	<p>065:14 Q. Okay. And if Ms. Key -- if Ms. Key</p> <p>15 says that she never told you she was unavailable</p> <p>16 for first shift, but instead said she preferred</p> <p>17 first shift, would you dispute that?</p> <p>18 A. I would go with what I wrote in my</p> <p>19 paperwork, which I think says that we didn't have</p> <p>20 the first shift, which she wanted, is what I</p> <p>21 think is what's written in the documents, and I</p> <p>22 signed my name to it. So I would -- I will stand</p> <p>23 by my statements at the time.</p> <p>066:01 Q. Okay. And I just want to make sure</p> <p>02 we're not mincing words here. You said first</p> <p>03 shift is what she wanted. Is it your</p> <p>04 understanding that wanting first shift is the</p> <p>05 same as saying I can only work first shift?</p> <p>06 A. It's not the same. And, again,</p> <p>07 having done this for a while, I understand that</p> <p>08 people don't always get what they want, but they</p> <p>09 are willing to compromise and work elsewhere.</p> <p>10 If I put on the paperwork that she</p> <p>11 did not want to work those things, then that's --</p> <p>12 those other jobs that we offered part-time, if</p> <p>13 that's what I stated in my statement, then I'll</p> <p>14 stand by that.</p> <p>15 And that was normal. It was very</p> <p>16 normal for that to happen, not just at Hyundai,</p> <p>17 but in other places as well. Well, I can only</p> <p>18 work six hours on this day and five hours on this</p> <p>19 day, but I need somebody that's going to work,</p> <p>20 you know, all sixteen hours.</p> <p>21 Well, what can I do? You know, I've</p> <p>22 got to have the people work the hours that are</p> <p>23 required to work. So I offered what was</p> <p>067:01 available, and what was available, she declined</p> <p>02 those positions for whatever reason.</p>

		<p>03 Q. Do you remember how you offered her</p> <p>04 those? Was it in person or over the phone?</p> <p>05 A. I'm pretty sure it was in person, and</p> <p>06 I would have had a witness. I would have had an</p> <p>07 office manager there in this situation, too,</p> <p>08 because there's a lot of paperwork on this thing.</p> <p>09 So the time that I took to describe</p> <p>10 what was happening, I'm very careful with my</p> <p>11 words in writing, especially, about what I say,</p> <p>12 and I mean what I say. And so the statements are</p> <p>13 here, I'm sure, and that's what happened.</p> <p>14 Q. Have you ever had an employee sign</p> <p>15 acknowledging that they've turned down a</p> <p>16 position?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Why did you not do that in</p> <p>19 this case?</p> <p>20 A. Sometimes they refuse to sign.</p> <p>21 Normally, I would mark on there refused to sign</p> <p>22 or something to that effect. Again, I'm not a</p> <p>23 hundred -- I mean, you know, I don't know. It's</p> <p>068:01 been five years ago, and I'm old. I don't</p> <p>02 remember.</p>
34	069:09 - 069:10	<p>069:09 Q. Okay. Flip back for me to that</p> <p>10 Exhibit 36 that you've got. We're going to skip</p>
35	069:16 - 069:18	<p>069:16 Q. So is this the memo that Gloria</p> <p>17 Robinson gave to you about the -- about Ms. Key's</p> <p>18 situation?</p>
36	069:20 - 069:20	<p>069:20 A. Yes, it is.</p>
37	071:22 - 072:09	<p>071:22 Q. Okay. About thirteen lines down Ms.</p> <p>23 Robinson says that Ms. Howell -- do you know who</p> <p>072:01 Ms. Howell is?</p> <p>02 A. I think Ms. Howell was one of our</p> <p>03 officers that worked at Hyundai.</p> <p>04 Q. So she says, Ms. Howell entered the</p> <p>05 security office and asked if we knew when Ms. Key</p> <p>06 was due. Do you see that?</p> <p>07 A. Yes.</p> <p>08 Q. Okay. So is she discussing her</p> <p>09 pregnancy here?</p>
38	072:13 - 072:15	<p>072:13 A. Obviously.</p>

		<p>14 Q. Why is it important to know when Ms.</p> <p>15 Key is due?</p>
39	072:19 - 073:04	<p>072:19 A. As far as I'm concerned, it's not</p> <p>20 important. She's just -- it sounds like just</p> <p>21 plain old garden variety gossip to me. It's</p> <p>22 just, you know, security officers talk all the</p> <p>23 time, so it's just -- they're just letting them</p> <p>073:01 know.</p> <p>02 Q. Was Ms. Robinson aware that Ms. Key</p> <p>03 was filing a complaint against Ms. Robinson and</p> <p>04 Ms. Williams?</p>
40	073:08 - 073:08	<p>073:08 A. I believe so, yes.</p>
41	073:19 - 074:01	<p>073:19 Q. (BY MS. PALMER:) So the bottom part</p> <p>20 of Exhibit 39, because e-mails go backwards, so</p> <p>21 this is dated July 31st from Gloria Robinson to a</p> <p>22 number of people with you copied; is that</p> <p>23 correct?</p> <p>074:01 A. That's what it says, yes, ma'am.</p>
42	075:04 - 075:06	<p>075:04 Q. Do you see there where she's</p> <p>05 discussing finding out that Ms. Key is pregnant?</p> <p>06 A. Uh-huh (positive response).</p>
43	075:08 - 075:09	<p>075:08 Q. And she says that, I take issue with</p> <p>09 her working in the mailroom. Do you see that?</p>
44	075:13 - 075:17	<p>075:13 A. Yes, I do.</p> <p>14 Q. As the recipient -- one of the</p> <p>15 recipients of this e-mail, what was your</p> <p>16 understanding about the issue with Ms. Key</p> <p>17 working in the mailroom?</p>
45	075:21 - 076:02	<p>075:21 A. The only issue would have been the</p> <p>22 lifting of the fifty pounds. Pregnancy had</p> <p>23 nothing to do with this.</p> <p>076:01 Q. Would -- did Ms. Key say she couldn't</p> <p>02 lift fifty pounds?</p>
46	076:04 - 076:04	<p>076:04 A. No.</p>
47	076:06 - 076:19	<p>076:06 A. No, she did not say she couldn't lift</p> <p>07 fifty pounds. There was a -- it looks like there</p> <p>08 was a request for a doctor's note to ensure that</p> <p>09 she would be able to do so.</p> <p>10 Q. Okay. If you'll flip for me two</p> <p>11 pages, it's going to be Dynamic-Key 80.</p>



		<p>12 A. Okay.</p> <p>13 Q. Does that look like a doctor's note?</p> <p>14 A. It does.</p> <p>15 Q. Okay. And what's the date on that</p> <p>16 doctor's note?</p> <p>17 A. July 28th, 2017.</p> <p>18 Q. Okay. And does it list that Ms. Key</p> <p>19 has any restrictions?</p>
48	076:21 - 078:03	<p>076:21 A. No restrictions. No work limitations</p> <p>22 noted.</p> <p>23 Q. And this doctor's note was attached</p> <p>077:01 to this e-mail, correct?</p> <p>02 A. That's what the e-mail states.</p> <p>03 Q. All right. I'm going to point you</p> <p>04 back to the e-mail, the very last paragraph. Ms.</p> <p>05 Robinson says, I'm asking for some assistance</p> <p>06 here. What recourse do I have with her? Did you</p> <p>07 have any involvement in answering Ms. Robinson</p> <p>08 about what recourse she had?</p> <p>09 A. I don't recall specifically. I mean,</p> <p>10 it's always possible, but I can tell you what I</p> <p>11 would have said, but I'm not sure whether I did</p> <p>12 or didn't say it to her either in person or on</p> <p>13 the phone or in e-mail or text or any other way.</p> <p>14 Q. What would you have said?</p> <p>15 A. Well, the issue here is the hairstyle</p> <p>16 only, and the only thing you need to be concerned</p> <p>17 about is the hairstyle. And if Ms. Williams</p> <p>18 was -- would not accept the hairstyle and Ms. Key</p> <p>19 could not -- they could not come to a meeting of</p> <p>20 the minds on that, then we have no choice but to</p> <p>21 follow the guidelines that we have and the</p> <p>22 request from Ms. Williams to remove her from the</p> <p>23 site.</p> <p>078:01 Q. But looking back to this e-mail, it's</p> <p>02 clear that Ms. Robinson has an issue with the</p> <p>03 pregnancy.</p>
49	078:07 - 079:08	<p>078:07 A. But Ms. Robinson ultimately didn't</p> <p>08 make those kind of decisions. That decision was</p> <p>09 made by myself or by HMMA, and we would under no</p> <p>10 circumstances deny someone employment for being</p> <p>11 pregnant, period, end of story.</p>

		<p>12 Q. Was Ms. Robinson disciplined related</p> <p>13 to this?</p> <p>14 A. She was not. Not that I know of. I</p> <p>15 didn't discipline her over it. We may have</p> <p>16 discussed policy and those kinds of things, but</p> <p>17 it didn't rise to the form of the place of</p> <p>18 discipline.</p> <p>19 What I would have done, and did many</p> <p>20 times with Ms. Robinson over the time that I was</p> <p>21 with her, was calm her down and explain to her</p> <p>22 what the facts were, and that's all I needed.</p> <p>23 You don't need to get excited. You don't need to</p> <p>079:01 get bent out of shape. Let's just see what we're</p> <p>02 supposed to do based on the policies. And when</p> <p>03 she would come around, we would do what we were</p> <p>04 supposed to do.</p> <p>05 She never actually supported the idea</p> <p>06 of having someone leave because they were</p> <p>07 pregnant, if that's what you're looking for.</p> <p>08 That's never happened.</p>
50	079:20 - 079:22	<p>079:20 Q. What could Ms. Key have done</p> <p>21 different for Ms. Robinson to not be concerned</p> <p>22 with her working in the mailroom?</p>
51	080:03 - 080:14	<p>080:03 A. I think Ms. Key followed the basic</p> <p>04 steps. I will say that -- and I'm not saying</p> <p>05 this about Ms. Key, but many times attitudes get</p> <p>06 involved, people don't listen to each other, and</p> <p>07 we're not always on the same page about things.</p> <p>08 So I don't know. I don't remember what happened</p> <p>09 specifically between Ms. Key other than what's on</p> <p>10 paper here.</p> <p>11 But I can tell you this: She would</p> <p>12 not have been let go for being pregnant.</p> <p>13 Q. But what's on paper here is an</p> <p>14 accurate depiction of what happened, right?</p>
52	080:18 - 082:03	<p>080:18 A. It is, but the innuendos that you're</p> <p>19 bringing out of it are not accurate.</p> <p>20 Q. That last sentence there, If she's</p> <p>21 due in five months, unless I cannot count, which</p> <p>22 I can't, she is already four months and didn't</p> <p>23 know it. Do you see that?</p> <p>081:01 A. Okay. Yeah, I remember reading that</p>

		<p>02 and --</p> <p>03 Q. So Ms. Robinson's referencing Ms.</p> <p>04 Key's pregnancy?</p> <p>05 A. But it's irrelevant. I'm telling you</p> <p>06 it's irrelevant. Ms. Robinson didn't have the</p> <p>07 power to let her go, and Ms. Robinson would have</p> <p>08 been counseled.</p> <p>09 And I've, like I said, counseled many</p> <p>10 a supervisor on what their duties are when they</p> <p>11 get, well, excuse the expression, get their</p> <p>12 underwear in a wad about something.</p> <p>13 Q. But Ms. Robinson was not disciplined</p> <p>14 that you're aware of?</p> <p>15 A. Not that I can remember. It wouldn't</p> <p>16 have been a need to. Ms. Robinson was volatile</p> <p>17 at times and would say things that once she</p> <p>18 thought about it, probably shouldn't have said</p> <p>19 that kind of thing. We all do it at times.</p> <p>20 And Ms. Robinson was not advocating</p> <p>21 that we get rid of Ms. Key for her being</p> <p>22 pregnant, and she knew better than that. And I</p> <p>23 guarantee you, my job was to make sure that</p> <p>082:01 didn't happen. So I promise it didn't happen.</p> <p>02 Q. But she was ultimately removed from</p> <p>03 the Hyundai property, right?</p>
53	082:05 - 082:18	<p>082:05 A. Ms. Key? You're talking about Ms.</p> <p>06 Key?</p> <p>07 Q. Yes, Ms. Key.</p> <p>08 A. She was ultimately removed at the</p> <p>09 client's request.</p> <p>10 Q. I'm going to show you Plaintiff's</p> <p>11 Exhibit 38. And this is another string of</p> <p>12 e-mails, so, again, it goes from the bottom to</p> <p>13 the top.</p> <p>14 I want to point you specifically to</p> <p>15 the bottom of page Dynamic-Key 73. This is an</p> <p>16 e-mail from Sherry Spires to you and others. Was</p> <p>17 Sherry Spires human resources?</p> <p>18 A. Yes.</p>
54	084:14 - 084:22	<p>084:14 Q. And I want to point you to the end of</p> <p>15 Ms. Spire's e-mail, so Page 074. Under the</p> <p>16 section Re: Pregnancy, the last sentence there</p>

		<p>17 says, I'm concerned that she might not have</p> <p>18 mentioned the amount of weight she might have to</p> <p>19 lift to her doctor. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. So Ms. Spires is acknowledging that</p> <p>22 she has concerns about Ms. Key's pregnancy?</p>
55	085:03 - 085:21	<p>085:03 A. I would dispute that. I think that</p> <p>04 her -- it's clear enough it has to do with the</p> <p>05 amount of weight she has to lift, and that had</p> <p>06 nothing to do with her pregnancy.</p> <p>07 Q. Okay. And what's the date on this</p> <p>08 e-mail?</p> <p>09 A. The 2nd of August.</p> <p>10 Q. Okay. And by this time, Ms. Key has</p> <p>11 already provided a doctor's note that says she</p> <p>12 has no restrictions, right?</p> <p>13 A. She has, from the 28th of July.</p> <p>14 Q. Like four days earlier?</p> <p>15 A. Yes. And the concern stated in this</p> <p>16 e-mail is from Sherry, I'm concerned that she</p> <p>17 might not have mentioned the amount of weight she</p> <p>18 might have to lift to her doctor.</p> <p>19 So that clearly demonstrates that she</p> <p>20 was concerned about lifting weight, not about the</p> <p>21 pregnancy.</p>
56	089:23 - 090:01	<p>089:23 Q. And if Ms. Robinson had a doctor's</p> <p>090:01 note that said no restrictions --</p>
57	090:03 - 090:06	<p>090:03 Q. -- but then made changes to an</p> <p>04 employee's work assignment because she was</p> <p>05 concerned personally about the person's</p> <p>06 pregnancy --</p>
58	090:08 - 090:09	<p>090:08 Q. -- would that be a violation of</p> <p>09 Dynamic's policies?</p>
59	090:12 - 090:20	<p>090:12 A. Okay. Now -- look, you're asking a</p> <p>13 -- that question is just out of bounds, because</p> <p>14 we're not going to change somebody's position</p> <p>15 just because they're pregnant, okay?</p> <p>16 That's not Dynamic's policy to change</p> <p>17 somebody's position just because they're</p> <p>18 pregnant, no, it is not their policy to do that.</p> <p>19 Q. So if that was done, it would be a</p>

		<b>20 violation of Dynamic's policy?</b>
60	091:01 - 091:18	<p>091:01 A. You're comparing apples and oranges.</p> <p>02 The pregnancy has got nothing to do with it. I</p> <p>03 mean, a person either has the physical ability to</p> <p>04 do the job or not, and if Ms. Robinson was</p> <p>05 concerned about Ms. Key's situation because of a</p> <p>06 physical situation because she couldn't lift the</p> <p>07 weight, she would have had the right, probably</p> <p>08 unquestioned right, to switch her to a different</p> <p>09 position as long as the pay was the same or</p> <p>10 similar and as long as the -- as it was discussed</p> <p>11 with the employee and it was explained to the</p> <p>12 employee and all -- I mean, it's not -- you know,</p> <p>13 there's no -- I don't know if there's a written</p> <p>14 policy about that kind of thing other than what a</p> <p>15 person can physically handle or not handle.</p> <p>16 Q. And is there any indication here that</p> <p>17 Ms. Key could not have physically handled the</p> <p>18 requirements of the mailroom at Hyundai?</p>
61	091:21 - 092:03	<p>091:21 A. There is nothing that I've seen that</p> <p>22 says so. But also I'm going to add that that's</p> <p>23 irrelevant as far as Dynamic Security is</p> <p>092:01 concerned, because she was let go because Hyundai</p> <p>02 didn't want her on the site because of</p> <p>03 hairstyles.</p>
62	093:16 - 093:19	<p>093:16 Q. Okay. Let me show you Plaintiff's</p> <p>17 Exhibit 40.</p> <p>18 A. Okay. There you go. I'm sorry. I</p> <p>19 did get this Bates statement.</p>
63	094:06 - 094:19	<p>094:06 Plaintiff's Exhibit 40. And this is an e-mail</p> <p>07 from you to Ms. Spires, right?</p> <p>08 A. That's correct.</p> <p>09 Q. Okay. And then T. Peeples, who is T.</p> <p>10 Peeples?</p> <p>11 A. He was a site supervisor, I think,</p> <p>12 out at Koch Foods maybe, I think. Yeah, I think</p> <p>13 that's right.</p> <p>14 Q. Why would he have been copied on this</p> <p>15 e-mail?</p> <p>16 A. If that's who that is, it would have</p> <p>17 -- he was one of the positions we were looking to</p> <p>18 move her to.</p>

		19 Q. Okay.
64	096:12 - 097:13	<p>096:12 Did you ask Ms. Key if she had any</p> <p>13 issues with Dynamic Security?</p> <p>14 A. It came up in the conversation,</p> <p>15 obviously, or I would not have said that she had</p> <p>16 no issues with Dynamic Security.</p> <p>17 Q. Okay. Do you recall how it came up?</p> <p>18 A. Well, it's just in the idea that she</p> <p>19 was letting me know that Hyundai was the issue,</p> <p>20 and Hyundai's policies were the issue, but that</p> <p>21 in her mind, we were treating her fair.</p> <p>22 Q. Okay. Do you think you would have</p> <p>23 asked her, Do you have any issues with Dynamic?</p> <p>097:01 A. Of course, yeah.</p> <p>02 Q. Would you have asked her if she was</p> <p>03 going to sue Dynamic?</p> <p>04 A. No, I would not.</p> <p>05 Q. And if Ms. Key says that you did,</p> <p>06 would you dispute that?</p> <p>07 A. If I asked if she was going to sue?</p> <p>08 Q. Right.</p> <p>09 A. Yeah, I would -- I don't know. I</p> <p>10 mean, I would not normally have asked that</p> <p>11 question. Could I have said something off the</p> <p>12 top of my head somewhere running out the door, I</p> <p>13 mean, who knows.</p>
65	097:18 - 098:06	<p>097:18 Q. Okay. The last two paragraphs or</p> <p>19 sentences there, you said, I can attempt to</p> <p>20 reassign Ms. Key to a different site, but I don't</p> <p>21 think that's advisable at this time, especially</p> <p>22 if she has to carry through -- especially if she</p> <p>23 is to carry through with the stated, quote,</p> <p>098:01 official complaint, end quote, of discrimination</p> <p>02 against Hyundai, Ms. Williams, and Ms. Robinson.</p> <p>03 Do you see that?</p> <p>04 A. I do.</p> <p>05 Q. So why would it not be advisable to</p> <p>06 reassign Ms. Key?</p>
66	098:08 - 099:03	<p>098:08 A. Okay. The last question on this</p> <p>09 e-mail says, Any guidance or thoughts. So what I</p> <p>10 was doing was going to HR asking them to advise</p> <p>11 me on how to act or what to do next, what would</p>

		<p>12 be the best policy.</p> <p>13 I was concerned that if she was</p> <p>14 bringing forth the official complaint, what was</p> <p>15 the policy of Dynamic in reference to keeping a</p> <p>16 person working if they are going through the</p> <p>17 official complaint like this. That's all I was</p> <p>18 asking.</p> <p>19 I didn't have an opinion about it one</p> <p>20 way or the other, just trying to find out what</p> <p>21 Dynamic's policy was. Just I wondered does it</p> <p>22 make sense to keep somebody on. I'm wondering as</p> <p>23 a manager, asking my bosses, Does that make sense</p> <p>099:01 to keep somebody on who has an official complaint</p> <p>02 going? And they advised me, and I followed</p> <p>03 through with what they said.</p>
67	101:08 - 101:22	<p>101:08 Q. Did you receive training from Dynamic</p> <p>09 Security about how to respond to complaints like</p> <p>10 this?</p> <p>11 A. Yes, of course.</p> <p>12 Q. Okay. And did that training include</p> <p>13 non-retaliation provisions?</p> <p>14 A. Yes, yes, yes. Of course.</p> <p>15 Q. And do you understand from that</p> <p>16 training that not reassigning someone or not</p> <p>17 providing someone -- let me ask it this way: Do</p> <p>18 you understand from that training that not</p> <p>19 offering someone another position would be</p> <p>20 retaliation?</p> <p>21 A. It could be -- it could be termed</p> <p>22 that way, yes.</p>
68	103:03 - 103:16	<p>103:03 Q. Did you offer her full-time</p> <p>04 positions?</p> <p>05 A. We didn't have any full-time</p> <p>06 positions available at the time.</p> <p>07 Q. In the entire -- so if this happened</p> <p>08 August 1st and you left -- when were you</p> <p>09 terminated, September 1st?</p> <p>10 A. September 1st, around September 1st,</p> <p>11 yeah.</p> <p>12 Q. So in that entire thirty days, did</p> <p>13 you offer Ms. Key a full-time position anywhere?</p> <p>14 A. I do not know. I do not remember.</p>

		<p>15 Q. Let me show you Plaintiff's Exhibit</p> <p>16 41.</p>
69	104:04 - 104:09	<p>104:04 Q. You see down at the very last</p> <p>05 sentence of Ms. Williams' e-mail, I foresee an</p> <p>06 issue down the road with this person?</p> <p>07 A. Yes.</p> <p>08 Q. As the recipient of this e-mail, what</p> <p>09 did you understand that to mean?</p>
70	104:13 - 104:22	<p>104:13 A. That was an opinion from Ms. Williams</p> <p>14 about potential issues. It didn't -- she didn't</p> <p>15 specify what those issues were.</p> <p>16 Typically, she would tell me, Oh, the</p> <p>17 person has got an attitude or something like</p> <p>18 that. But in this specific instance here, I'm</p> <p>19 sure she was talking about, as she says in the</p> <p>20 e-mail, about her ability to lift boxes. And</p> <p>21 also, as we know, about -- ultimately, about the</p> <p>22 hair situation, the appearance standards.</p>
71	107:16 - 107:22	<p>107:16 Q. Exhibit 28, do you recognize Exhibit</p> <p>17 28?</p> <p>18 A. Yes, that's my handwriting.</p> <p>19 Q. So you completed these forms?</p> <p>20 A. I did.</p> <p>21 Q. On what date?</p> <p>22 A. 1st of August.</p>
72	108:03 - 108:13	<p>108:03 Q. Did Ms. Key sign these forms?</p> <p>04 A. She did not. There's no place for</p> <p>05 her to sign them.</p> <p>06 Q. And you didn't request that she sign</p> <p>07 the forms?</p> <p>08 A. I don't recall.</p> <p>09 Q. Do you recall whether you presented</p> <p>10 both of these job opportunities to Ms. Key at one</p> <p>11 time?</p> <p>12 A. They were both presented at the same</p> <p>13 time, I'm sure, yeah.</p>
73	108:16 - 108:17	<p>108:16 Q. Would that have been in person or</p> <p>17 over the phone?</p>
74	108:20 - 108:23	<p>108:20 A. I don't remember. Most likely, it</p> <p>21 would have been in person, though. I mean, I</p> <p>22 can't imagine -- I don't know. I don't know</p>



		23 which I did. I don't know.
75	109:22 - 110:09	<p>109:22 Q. If you'll look for me on Page 30, at 23 the bottom just above the reason for refusal, it 110:01 says hours per week, sixteen.</p> <p>02 A. Uh-huh (positive response).</p> <p>03 Q. Would that mean that --</p> <p>04 A. It was sixteen hours, that's correct.</p> <p>05 Yeah, that's all correct.</p> <p>06 Q. And the next page, sixteen as well?</p> <p>07 A. Yeah. That's correct. They were 08 part-time. That's what I thought at first, they 09 were part-time. I confused myself with looking</p>
76	112:10 - 114:02	<p>112:10 you Exhibit 33. If you could look back at that 11 document for me.</p> <p>12 A. I've completed reading it just now.</p> <p>13 Q. Do you recognize that?</p> <p>14 A. I do.</p> <p>15 Q. What do you recognize it to be?</p> <p>16 A. It is my statement reference to Ms. 17 Key's employment at -- with Dynamic Security.</p> <p>18 Q. Why did you prepare this statement?</p> <p>19 A. This was prepared to record the 20 details of what took place in reference to her 21 complaint.</p> <p>22 Q. Did somebody ask you to prepare it?</p> <p>23 A. I'm not sure. It would be something 113:01 that I would normally do as a part of being 02 involved in the process as part of the 03 investigation.</p> <p>04 Q. And the date on this is August 14th, 05 2017, right?</p> <p>06 A. Correct.</p> <p>07 Q. So this is a couple of weeks after 08 the initial complaint?</p> <p>09 A. That is correct.</p> <p>10 Q. Do you have any recollection of 11 whether you would have prepared this form in 12 response to an EEOC charge?</p> <p>13 A. This is simply a statement of what 14 happened. I suspect -- I don't remember for 15 sure. I suspect that HR would have asked me for 16 something like this, but as you can see, I've</p>

		<p>17 provided the statement.</p> <p>18 Q. Okay. And about midway down the</p> <p>19 statement you say, Ms. Key repeatedly stated she</p> <p>20 has, quote, no problem with Dynamic Security, end</p> <p>21 quote. Do you see that?</p> <p>22 A. I do.</p> <p>23 Q. And that she intended to file an EEOC</p> <p>114:01 complaint against HMMA for discrimination.</p> <p>02 A. Uh-huh (positive response).</p>
77	114:19 - 115:23	<p>114:19 Q. Okay. And then further down, it</p> <p>20 says, Dynamic did not have any full-time</p> <p>21 positions available at the moment. Do you see</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>115:01 Q. Is that your recollection --</p> <p>02 A. That is correct.</p> <p>03 Q. -- as of August 14th, 2017, there</p> <p>04 were no full-time positions to offer Ms. Key?</p> <p>05 A. Yes. It even says in the statement,</p> <p>06 As of the date of the statement, August 14th,</p> <p>07 2017, there are no full-time first shifts</p> <p>08 available in the Montgomery district.</p> <p>09 Q. Okay. And then just a little under</p> <p>10 that, it says, Ms. Key was informed that there</p> <p>11 may be a part-time first shift available on the</p> <p>12 weekend at Koch, but she initially declined that</p> <p>13 position. Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Do we have a refusal assignment form</p> <p>16 for a first shift part-time weekend position at</p> <p>17 Koch?</p> <p>18 A. I don't have one. I do not possess</p> <p>19 one.</p> <p>20 Q. Okay. If a position had been</p> <p>21 offered, would that form have been completed?</p> <p>22 A. It's supposed to be completed.</p> <p>23 Whether it was or not, I have no idea.</p>
78	116:22 - 117:14	<p>116:22 Q. Exhibit 35. All right. Exhibit 35</p> <p>23 is another string of e-mails. I want to look</p> <p>117:01 specifically to the bottom of Page 51, which is</p> <p>02 an e-mail from you, again, to Sherry. What's the</p> <p>03 date of that e-mail?</p>

		<p>04 A. August 10th.</p> <p>05 Q. Okay. And your second to the last</p> <p>06 sentence, just before your thanks, it says,</p> <p>07 Lastly, in light of her current complaint, am I</p> <p>08 free to offer her a position with Dynamic should</p> <p>09 we be able to agree on a place for her to work.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. So is this now the second time that</p> <p>13 you've asked if you can place Ms. Key somewhere</p> <p>14 else in light of her current complaint?</p>
79	117:16 - 117:16	117:16 A. Seems like that's true.
80	119:04 - 119:05	<p>119:04 Q. Let me show you Plaintiff's Exhibit</p> <p>05 30 -- 37?</p>
81	119:10 - 119:21	<p>119:10 Q. Okay. I'm going to point you to the</p> <p>11 second page, so Page 70, Dynamic-Key 70. What's</p> <p>12 the date of that e-mail from you to Sherry?</p> <p>13 A. August 7th.</p> <p>14 Q. Okay. And first off, the very last</p> <p>15 sentence, you say, Also, is it advisable to try</p> <p>16 to move her to a different site when she is</p> <p>17 making threats to sue HMMA over the appearance</p> <p>18 standards? Do you see that?</p> <p>19 A. Still asking the question, am I not?</p> <p>20 Q. Does that -- so that's a third time?</p> <p>21 A. Yeah, it looks like it.</p>
82	121:10 - 122:16	<p>121:10 Q. (BY MS. PALMER:) Have you seen</p> <p>11 Plaintiff's Exhibit 45 before?</p> <p>12 A. Well, since I sent it, yes, I've seen</p> <p>13 it, I guess.</p> <p>14 Q. Okay. And what is Plaintiff's 45?</p> <p>15 Why did you send this e-mail to Ms. Spires and</p> <p>16 Ms. Riddle?</p> <p>17 A. Well, obviously, they asked</p> <p>18 questions, and so I answered the questions.</p> <p>19 Q. Number 4 there, it says, I have</p> <p>20 included the refusal of assignment forms, but as</p> <p>21 I stated, I requested, and then it stops.</p> <p>22 A. Yeah, that's just the -- you know how</p> <p>23 you revise a sentence and then part of it stays</p> <p>122:01 on that you didn't mean to stay on. I don't know</p> <p>02 what that means other than, you know, that's just</p>

		<p>03 a in a hurry kind of thing.</p> <p>04 Q. So you don't have any recollection of</p> <p>05 what you had intended to put there or what you</p> <p>06 had changed?</p> <p>07 A. Yeah, I don't know.</p> <p>08 Q. And then you attached to this e-mail</p> <p>09 Ms. Key's original complaint. Do you see that,</p> <p>10 FYI, I also included?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Why did you send another copy of Ms.</p> <p>13 Key's original complaint?</p> <p>14 A. To make it easier for her. She</p> <p>15 didn't have to go looking for anything. It's</p> <p>16 right there so she can see it.</p>
83	122:23 - 123:07	<p>122:23 Q. What's the date on this e-mail?</p> <p>123:01 A. August 29th, 2017.</p> <p>02 Q. And so as of this e-mail, August</p> <p>03 29th, we're roughly twenty-nine days after she's</p> <p>04 been removed from Hyundai. Were the two offers</p> <p>05 in the refusal forms that we saw earlier the only</p> <p>06 positions that had been offered to her at that</p> <p>07 point that you can recall?</p>
84	123:09 - 123:16	<p>123:09 A. Well, I can only recall them because</p> <p>10 I've got the paperwork, so we could have verbally</p> <p>11 -- we could have easily verbally talked to her</p> <p>12 about other things, but I don't know that we did.</p> <p>13 Q. If you had verbally offered her</p> <p>14 another position and she had turned it down,</p> <p>15 would you have completed an assignment refusal</p> <p>16 form?</p>
85	123:20 - 124:04	<p>123:20 A. Well, at the time that the situation</p> <p>21 was going on, things were pretty much in turmoil</p> <p>22 just across the branch, and there was -- thinking</p> <p>23 about it now, there were several other sites that</p> <p>124:01 needed immediate attention. So I may have been</p> <p>02 getting ready to do that, and then, like I said,</p> <p>03 the next week I was gone. So I can't -- they</p> <p>04 would be the standard policy to do that, yes.</p>
86	124:14 - 125:08	<p>124:14 Q. You said that the branch was in</p> <p>15 turmoil. What was going on at the branch?</p> <p>16 A. Well, we had let go several managers</p> <p>17 in the organization, and so there was a new site</p>

		<p>18 out in Selma that was causing a lot of uproar.</p> <p>19 It was a consuming a lot of time for me trying to</p> <p>20 find a field supervisor at the time, some things</p> <p>21 that were going on, just normal security business</p> <p>22 kind of things that were happening.</p> <p>23 <b>Q. What was the new site in Selma?</b></p> <p>125:01 A. It was -- I think it was either Bush</p> <p>02 Hog or Honda Locks. I think Honda Locks may have</p> <p>03 been what it was.</p> <p>04 <b>Q. And was Dynamic Security offering</b></p> <p>05 <b>security services at that site?</b></p> <p>06 A. Yes. We had picked up the site just</p> <p>07 within a few weeks before this whole situation</p> <p>08 took place, yeah.</p>
87	125:22 - 127:01	<p>125:22 <b>Q. Was Ms. Key qualified to work on-site</b></p> <p>23 <b>security?</b></p> <p>126:01 A. Yes, she was.</p> <p>02 <b>Q. Was she offered any position at Bush</b></p> <p>03 <b>Hog or Honda Locks?</b></p> <p>04 A. I do not recall.</p> <p>05 <b>Q. The -- after you left -- sorry.</b></p> <p>06 <b>After Dynamic terminated you, you took some time</b></p> <p>07 <b>off. You said you semi-retired --</b></p> <p>08 A. Uh-huh (positive response).</p> <p>09 <b>Q. -- and then you went to work for</b></p> <p>10 <b>Dothan Security, and you mentioned that Dothan</b></p> <p>11 <b>then picked up the Hyundai contract.</b></p> <p>12 A. Correct.</p> <p>13 <b>Q. So was it the same job, same duties,</b></p> <p>14 <b>same positions?</b></p> <p>15 A. Same job, same duties, same people in</p> <p>16 charge as far as our contacts at Hyundai were</p> <p>17 concerned, at least at the level of the</p> <p>18 operations manager. Ms. Williams was still in</p> <p>19 charge just like she was back in 2017.</p> <p>20 <b>Q. And do you have any recollection of</b></p> <p>21 <b>when that happened, when Dothan took the contract</b></p> <p>22 <b>for Hyundai?</b></p> <p>23 A. Yeah. It's just been recently, I</p> <p>127:01 mean, within --</p>
88	127:03 - 127:09	<p>127:03 A. I worked there from April, and I</p> <p>04 guess it must have been around October, November</p>

		<p>05 timeframe that -- and, you know, I could go look</p> <p>06 it up, but I want to say October, November</p> <p>07 timeframe that Dothan Security took it over.</p> <p>08 Q. Of 2021?</p> <p>09 A. Of 2021, yes.</p>
89	158:07 - 158:16	<p>158:07 Q. How long were you employed with</p> <p>08 Dynamic Security total?</p> <p>09 A. A little over a year.</p> <p>10 Q. And then when you went to work for</p> <p>11 Dothan, you still worked with the Hyundai</p> <p>12 facility, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you are just today learning that</p> <p>15 there's an entity called Hyundai Engineering</p> <p>16 America or Hyundai HEA; is that right?</p>
90	158:19 - 159:07	<p>158:19 A. Everybody else may have realized it.</p> <p>20 I didn't realize it. It's as plain as the nose</p> <p>21 on your face in the paperwork, but I didn't catch</p> <p>22 it, because we just -- we talked in terms of</p> <p>23 Hyundai. That's who we worked for. That's who</p> <p>159:01 we talked to. That's how that works.</p> <p>02 Q. Right. And if you working for the</p> <p>03 company, working for Dynamic Security for a long</p> <p>04 period of time, didn't know the difference</p> <p>05 between HMMA and HEA, is it safe to say that Ms.</p> <p>06 Key, who was stationed there for I think a total</p> <p>07 of four hours, wouldn't know the difference?</p>
91	159:10 - 159:12	<p>159:10 A. That is an opinion, yeah. It</p> <p>11 makes --</p> <p>12 Q. Is it a reasonable inference to make?</p>
92	159:16 - 159:16	<p>159:16 A. We all thought it was Hyundai.</p>